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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/456,997	12/07/1999	TSUNEHIRO TSUKADA	35.C14095	7183

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FITZPATRICK, CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

NGUYEN, THU HA T

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/456,997

Applicant(s)

TSUKADA, TSUNEHIRO

Examiner

Thu Ha T. Nguyen

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-10 are presented for examination.

Response to Arguments

2. Applicant's arguments filed April 28, 2003 have been fully considered but they are not persuasive because of the following reasons:

3. Applicant argues that **Barrick** does not teach or suggest the feature of predicting an end time of the generation of request data if the generation thereof has not completed, and transmitting to the terminal the predicted end time together with display information indicating that the data generation is in progress. In response to Applicant's argument, Examiner asserts that **Barrick** does teach the feature of predicting an end time of the generation of request data if the generation thereof has not completed, and transmitting to the terminal the predicted end time together with display information indicating that the data generation is in progress as shown in abstract, col. 4 lines 60-col. 5 lines 6, col. 7 lines 51-col. 8 lines 46. Applicant argues that **Barrick** discloses the actual loading time experience by a user that is not a predicted time. Examiner asserts that **Barrick** discloses the feature of evaluating or estimating the performance of the data generation once the request is received at the server from the client.

4. Applicant argues that neither **Barrick** nor **Sugiarto** teach or suggest the feature of discriminating whether data received from the server is requested data or a predicted end time for generation of the request data together with the display data

Art Unit: 2155

indicating that the data generation is in progress. In response to Applicant's argument, examiner asserts that **Barrick** does teach the feature of discriminating whether data received from the server is requested data or a predicted end time for generation of the request data together with the display data indicating that the data generation is in progress as shown in abstract, col. 2 lines 18-28, col. 4 lines 60-col. 5 lines 6, col. 7 lines 51-col. 8 lines 46.

5. Therefore, the examiner asserts that cited prior art teaches or suggests the subject matter broadly recited in independent claims 1, 4-5, and 8-10. Claims 2-3, and 6-7 are also rejected at least by virtue of their dependency on independent claims and by other reasons set forth in the previous office action [see paper no. 5].

Accordingly, claims 1-10 are rejected.

102(e)

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 37 1(c) of this title before the invention thereof by the applicant for patent.

7. Claims 1, 4-5, 8-10 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Barrick, Jr. et al.** (hereinafter **Barrick, Jr.**) U. S. Patent No. **6,006,260**.

8. As to claim 1, **Barrick, Jr.** teaches the invention substantially as claimed, including a data processing method performed by a server for providing data to a terminal via a network, the method comprising:

a reception step of receiving a request for data loading from the terminal (col. 2 lines 18-35);

a completion discrimination step of discriminating whether the generation of requested data has completed (abstract, col. 2 lines 18-28);

a first transmission step of transmitting to the terminal the requested data if the generation thereof has completed (abstract, col. 2 lines 29-35);

a prediction step of predicting an end time of the generation of the requested data if the generation thereof has not completed (abstract, col. 7 lines 51-col. 8 lines 46); and

a second transmission step of transmitting to the terminal the predicted end time together with display information indicating that the data generation is in progress (abstract, col. 4 lines 60-col. 5 lines 6, col. 7 lines 51-col. 8 lines 46).

9. As to claim 4, **Barrick, Jr.** teaches the invention substantially as claimed, including a data processing method performed by a terminal for receiving data from a server via a network, the method comprising:

an issuing step of issuing a request for data loading to the server (col. 2 lines 18-35);

a display step of displaying display data received from the server in response to the request (col. 8 lines 28-46);

data discriminating step of discriminating whether the received data is the requested data or a predicted end time for generation of the request data together with the display data indicating that the data generation is in progress (abstract, col. 2 lines 18-28, col. 4 lines 60-col. 5 lines 6, col. 7 lines 51-col. 8 lines 46); and

a re-issuing step, in case the predicted end time for data generation is received, of re-issuing the request for data loading to the server when the predicted end time is reached (abstract, col. 4 lines 60-col. 5 lines 6, col. 7 lines 51-col. 8 lines 46).

10. As to claim 5, **Barrick, Jr.** teaches the invention substantially as claimed, including a data processing apparatus for providing data to a terminal from a server via a network, the apparatus comprising:

reception means for receiving a request for data loading from the terminal (col. 2 lines 18-35);

completion discrimination means for discriminating whether a generation of requested data has completed (abstract, col. 2 lines 18-28);

first transmission means for transmitting to the terminal the requested data if the generation thereof has completed (abstract, col. 2 lines 29-35);

a prediction means for predicting an end time of the generation of the requested data if the generation thereof has not completed (abstract, col. 7 lines 51-col. 8 lines 46); and

second transmission means for transmitting to the terminal the predicted end time together with display information indicating that the data generation is in progress (abstract, col. 4 lines 60-col. 5 lines 6, col. 7 lines 51-col. 8 lines 46).

11. As to claim 8, **Barrick, Jr.** teaches the invention substantially as claimed, including a data processing apparatus for receiving data at a terminal from a server via a network, the apparatus comprising:

issuing means for issuing a request for data loading to the server (col. 2 lines 18-35);

display means for displaying display data received from the server in response to the request (col. 8 lines 27-46);

data discriminating means of discriminating whether the received data is the requested data or a predicted end time for generation of the request data together with the display data indicating that the data generation is in progress (abstract, col. 2 lines 18-28, col. 4 lines 60-col. 5 lines 6, col. 7 lines 51-col. 8 lines 46); and

control means adapted, in case the predicted end time for data generation is received, to so control said issuing means as to re-issue the request for data loading to the server when the predicted end time is reached (abstract, col. 4 lines 60-col. 5 lines 6, col. 7 lines 51-col. 8 lines 46).

12. As to claim 9, **Barrick, Jr.** teaches the invention substantially as claimed, including a computer readable storage medium storing a data processing program for

Art Unit: 2155

controlling a server computer to perform data processing for providing data from the server to a terminal via a network, said program comprising codes for causing the computer to perform:

a reception step of receiving a request for data loading from a terminal (col. 2 lines 18-35);

a completion discrimination step of discriminating whether a generation of requested data has completed (abstract, col. 2 lines 18-28);

a first transmission step of transmitting to the terminal the requested data if the generation thereof has completed (abstract, col. 2 lines 29-35);

a prediction step of predicting an end time of the generation of the requested data if the generation thereof has not completed (abstract, col. 7 lines 51-col. 8 lines 46); and

a second transmission step of transmitting to the terminal the predicted end time together with display information indicating that the data generation is in progress (abstract, col. 4 lines 60-col. 5 lines 6, col. 7 lines 51-col. 8 lines 46).

13. As to claim 10, **Barrcik, Jr.** teaches the invention substantially as claimed, including a computer readable storage medium storing a data processing program for controlling a computer to perform data processing for receiving data from a server via a network, said program comprising codes for causing the computer to perform:

an issuing step of issuing a request for data loading to the server (col. 2 lines 18-35);

a display step of displaying display data received from the server in response to the request (col. 8 lines 27-46);

data discriminating step of discriminating whether the received data is the requested data or a predicted end time for generation of the request data together with the display data indicating that the data generation is in progress (abstract, col. 2 lines 18-28, col. 4 lines 60-col. 5 lines 6, col. 7 lines 51-col. 8 lines 46); and

a re-issuing step, in case the predicted end time for data generation is received, of re-issuing the request for data loading to the server when the predicted end time is reached (abstract, col. 4 lines 60-col. 5 lines 6, col. 7 lines 51-col. 8 lines 46).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 2-3 and 6-7 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Barrick, Jr. et al.** (hereinafter Barrick, Jr.) U.S. Patent No. **6,006,260**, in view of **Sugiarto et al.** (hereinafter Sugiarto) U.S. Patent No. **6,278,449**.

16. As to claim 2, **Barrick, Jr.** does not explicitly teaches the invention substantially as claimed, wherein said prediction step predicts the end time based on the size of the data to be generated. However, **Sugiarto** teaches wherein said prediction step predicts the end time based on the size of the data to be generated (figure 6, col. 6 lines 41-65). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of **Barrick, Jr. and Sugiarto** to have the step of predicting the end time based on the size of the data to be generated because it would have an efficient data processing system that can reduce or modify the prediction downloading time prior transmitting data to terminal device.

17. As to claim 3, **Barrick, Jr.** does not explicitly teaches the invention substantially as claimed, wherein said data are result of execution of a predetermined process, and said prediction step predicts the end time based on the time required for executing said predetermined process. However, **Sugiarto** teaches wherein said data are result of execution of a predetermined process, and said prediction step predicts the end time based on the time required for executing said predetermined process (figures 5-6). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of **Barrick, Jr. and Sugiarto** to have the step of predicting the end time based in the time required for executing the predetermined process because it would have an efficient data processing system that can provide the predicting downloading time prior transmitting data to terminal device.

18. Claims 6-7 have similar limitations as claims 2-3; therefore, they are rejected under the same rationale.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen, whose telephone number is (703) 305-7447. The examiner can normally be reached Monday through Friday from 8:30 AM to 5:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SPE Hosain T. Alam, can be reached at (703) 308-6662.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7240 for regular communications and 703-746-7238 for After Final communications.

Thu Ha Nguyen

July 10, 2003


HOSAIN T. ALAM
PRIMARY EXAMINER